



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

APR 27 2017

Mr. Joseph D. Biss, CHMM
Fibers Site Group, Project Coordinator
EHS Support LLC
201 Edgewood Drive
Beaver, PA 15009

Re: Fibers Supply Wells Superfund Site, Guayama, Puerto Rico

Dear Mr. Biss,

On March 23, 2017, representatives of the U.S. Environmental Protection Agency ("EPA") met with representatives of the Fibers Group and Pfizer, Inc., at Pfizer's facility in Guayama, Puerto Rico, to discuss the Fibers Public Supply Wells Superfund Site ("Fibers Site" or "Site"). During this meeting, the parties in the room and on the phone discussed the permanent, beneficial use of the treated water from the groundwater extraction and treatment system at the Site. EPA indicated to the Fibers Group that, unless the government of Puerto Rico were to state that it would be willing to accept the treated water from the Fibers Site into the public water supply system, EPA had determined that it would select the existing south percolation basin and/or other basin(s) at the Pfizer property as the destination for the treated water. On April 6, 2017, EPA was informed by the Puerto Rico Environmental Quality Board ("EQB") that the Puerto Rico Aqueduct and Sewer Authority ("PRASA") had expressly rejected the discharge of the treated water to PRASA's public water supply system. As such, EPA by this letter informs you that discharge to the percolation basin(s) is the selected beneficial use of the treated water from the Fibers Site, in accordance with the Record of Decision ("ROD") and the Remedial Design/Remedial Action Statement of Work ("SOW") portion of the Consent Decree (*U.S. v. Anaquest Caribe, Inc., et al.*, Civil Action No. 92-2486-RLA) for the Site.

This decision follows approximately eight years of discussions between EPA and the Fibers Group concerning the appropriate permanent, beneficial use of the treated water at the Site. In 2009, in anticipation of the closing of the Chevron Phillips Chemical Puerto Rico CORE facility ("CORE facility"), where the treated water had previously been sent, EPA called for the Fibers Group to identify alternate uses for the treated groundwater at the Site. The PRPs submitted to EPA the 2011 Groundwater Report, which identified and evaluated six alternatives for the use of the treated water at the Site, including discharge to a percolation basin. The report listed several of the advantages of the percolation basin alternative, as described in more detail below, including that it would return the treated water to the aquifer, allow for unrestricted flow from the treatment system, and, depending on the location of the basin, increase flow through the impacted areas at the Site. Ultimately, the discharge of the treated water to an AES power plant was identified in the report as the Fibers Group's preference at that point; however, the Puerto Rico Department of Natural Resources and the Environment ("DNRE") declined to waive the franchise fee for AES' acceptance of the treated water, apparently making the arrangement

unacceptable to AES. Regardless of this circumstance, EPA does not view the use of the treated water by the power plant as best fulfilling the criteria set forth in the SOW for the appropriate discharge of the treated water. The discharge to the Patillas Canal was also identified in the report as a contingency alternative, but the Fibers Group and the Puerto Rico Electric Power Authority ("PREPA") have been unable to reach an agreement on such an arrangement since it was first broached in the mid-1990s.

On April 16, 2015, following the decommissioning of the CORE facility, EPA sent the Fibers Group an email authorizing the discharge of the water to the Caribbean Sea by way of a drainage ditch as a temporary measure. In that email, EPA further indicated that sending the treated water to a percolation basin appeared to be the sole remaining option for the permanent, beneficial use of the water, given that other alternatives for the treated water had been exhausted. EPA stated that it had met with the Puerto Rico Industrial Development Company ("PRIDCO") to discuss access to and the utilization of the existing basin at the Pfizer facility to accept the treated effluent at the Site. EPA also stated that it expected the Fibers Group to continue conversations with Pfizer and PRIDCO regarding the use of the basin. EPA requested that the Fibers Group provide a schedule of activities and/or studies to be conducted to improve the basin for use as part of the Fibers Site remedy.

Shortly thereafter, on August 6, 2015, the Secretary of the DNRE authored a letter stating that DNRE's preference for the beneficial use of the treated water at the Fibers Site was the reworking of the percolation basin at the Pfizer facility to allow for infiltration of the water into the aquifer. Please find this letter enclosed for your reference. Notwithstanding EPA's and DNRE's stated preference for the percolation basin alternative, discussions considering that and other options for the beneficial use of the treated water continued between EPA, the Fibers Group, and the government of Puerto Rico for over a year. On January 6, 2017, EPA wrote a letter to the Fibers Group indicating that, of the six alternatives analyzed by the Fibers Group in its 2011 Groundwater Report, the only remaining, viable beneficial uses of the treated groundwater at the Fibers Site were the discharge to the Patillas Canal, which as stated above would require PREPA and the Fibers Group to reach an agreement (despite years of failed negotiations), and the discharge to the Pfizer percolation basin.

Consistent with the January 6, 2017, letter, and after years of correspondence and meetings with the Fibers Group on this issue, EPA is selecting the discharge of the water to the existing south percolation basin and/or other basins at the Pfizer property as the permanent, beneficial use for the treated water at the Fibers Site. This decision is made in accordance with the ROD for the Site, which requires that the method of discharge of the treated water from the Fibers Site be finalized as part of the design process and provide a beneficial use for the water, as well as in accordance with the SOW for the Site. The SOW requires that EPA determine the appropriate discharge option for the treated water based on an evaluation of each option's ability to meet the following five criteria: protection of human health and the environment, compliance with applicable or relevant and appropriate requirements ("ARARs"), conservation of water, cost-effectiveness, and beneficial use of the treated water (See Section 2.3.4 of the SOW).

As recognized in the Fibers Group's 2011 Groundwater Report and the DNRE's August 2015 letter, the use of a percolation basin, or basins, at the Pfizer property would return the groundwater extracted at the Site to the aquifer through percolation. This recharging of the aquifer is particularly advantageous in

light of DNRE's 2014 Technical Report for the Declaration of a Critical Area – Southern Aquifers, as well as its 2015 Executive Order (OE-2015-026), which both declare that the aquifers of southern Puerto Rico are in critical condition and further state that urgent measures are needed to preserve the aquifers as a source of potable water for approximately 130,000 people and as a source of irrigation water for local farming operations. The Pfizer percolation basin(s) alternative will not only replenish the aquifer, but it will also help to restore water quality at the Site. Discharge to the basin(s) will facilitate the flushing of contamination at the Fibers Site, which will help to accelerate the cleanup process and the achievement of final groundwater remediation goals.

The discharge of the treated water to the Pfizer percolation basin(s) is also practicable. The beneficial use alternative involves property operated by Pfizer and owned by PRIDCO, both of which are potentially responsible parties with respect to the Site. There is flexibility as to the design of the basin(s) at the property; the existing south drainage basin may be deepened or widened to effectuate the alternative and/or the Fibers Group could opt to construct a new basin or basins at the Pfizer property to accept the treated water. The existing basin and/or any other basins constructed on the Pfizer property would be located in close proximity to the Site groundwater treatment system. This will result in a reduced cost to convey the water by pipeline, particularly relative to the costs associated with other alternatives considered, such as the conveyance of the water to the Patillas Canal. Further, as described in the 2011 Groundwater Report, and discussed above, the basin(s) may be engineered to allow for uninterrupted flow from the treatment system.

Provided the basin(s) at the Pfizer property are properly engineered to accommodate the treated water discharged from the Fibers treatment system, currently approximately 500,000 gallons per day, the selected beneficial use alternative will not impact the eligibility of Pfizer's outfall 002 for coverage under the National Pollutant Discharge Elimination System ("NPDES"), Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity ("MSGP"). The MSGP expressly allows for the discharge of stormwater that is mixed with a discharge that does not require NPDES permit authorization (See Section 1.1.3 of the MSGP). In the context of the temporary discharge to Las Mareas Bay, EPA has already determined that no permit is required for the discharge of the treated water from the Fibers Site because that discharge is covered pursuant to Section 121(e) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. § 9621(e) ("No Federal, State, or local permit shall be required for the portion of any removal or remedial action conducted entirely onsite . . ."). While the MSGP would require that Pfizer's monitoring protocol include sampling of the treated water before the water comesling with stormwater from the Pfizer property, such sampling of the treated water is already performed as part of the remedy at the Site. It is our understanding that the sampling of the effluent from the treatment system performed pursuant to the SOW, along with visual monitoring of the treated water prior to comingling, will satisfy the monitoring requirements under the MSGP. Consequently, the selection of this beneficial use alternative would not impose upon Pfizer any significant, additional permitting requirements.

As a first step in implementing the selected beneficial use alternative at the Fibers Site, EPA requests that the Fibers Group submit a schedule to the EPA, within 30 days, for the engineering design and for the construction of the modification of the existing percolation basin on the Pfizer property and/or the construction of other basins on the property, as well as the piping necessary to transport the treated

water from the treatment system to such basin/basins. Please contact Adalberto Bosque at (787) 977-5825 or Bosque.Adalberto@epa.gov to discuss the timing for the submission of the engineering plan and any questions you may have concerning this letter or technical matters related to the Fibers Site. Should you have any legal questions, please contact Margo Ludmer at (212) 637-3187 or Ludmer.Margo@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "John Prince", with a stylized flourish extending to the right.

John Prince, Acting Director
Emergency and Remedial Response Division

Enclosure

cc: Mr. Daniel E. Vineyard, Common Counsel, Fibers Site Group



6 de Agosto de 2015

Arq. Mariela Cruz
Asesora de Infraestructura
Oficina del Gobernador

Carmen R. Guerrero Pérez
Secretaria
Departamento de Recursos Naturales y Ambientales

CASO FIBERS GUAYAMA

Reciba un cordial saludo de todo el personal que trabaja nuestro Departamento y de mi persona. Se nos ha solicitado que el DRNA exprese cuál sería la recomendación en cuanto a las opciones viables discutidas para disponer del agua tratada de *Fibers Public Supply Wells Site* en Guayama, Puerto Rico. La semana pasada personal de algunas agencias del Estado Libre Asociado de Puerto Rico tuvimos la oportunidad de reunirnos con personal de la Agencia de Protección Ambiental (EPA por sus siglas en ingles) para tener un mayor conocimiento sobre el asunto antes mencionado.

Al 29 de mayo de 2015, personal del DRNA tuvo la oportunidad de visitar el área en cuestión junto a personal de la JCA, EPA y de la parte responsable Fibers. En esta visita se tuvo la oportunidad de conocer de primera mano las distintas opciones propuestas para poder encontrar el mejor uso óptimo y razonable de estas aguas tratadas. Luego de analizar las mismas el DRNA entiende y presenta sus recomendaciones en orden de preferencia.

Opción 1 – Que se rehabilite el área de Charcas frente a la Industria Pfizer para que esta agua tratada pueda infiltrar nuevamente en el acuífero. Entendemos que esta es la mejor ya que se le estaría devolviendo el agua al mismos acuífero del que fue extraída.

Opción 2 – Que el agua que trate Fibers sea redirigida al canal de riego de la AEE para que pueda ser utilizada por los agricultores del área en sus cosechas y si no fuera utilizada por los agricultores, la misma sería aprovechada por la AEE al final del canal en las lagunas de la termoeléctrica de Aguirre. Esto último provocaría una reducción en la



utilización de agua del acuífero por parte de la AEE que tiene en el municipio de Salinas (que en este momento es de 1 MGD) y podría ser utilizada para el uso doméstico por parte de la AAA que siempre la ha necesitado.

Opción 3 – Que el agua tratada sea utilizada por la AES, pero la misma debería ser pagada al DRNA por la tarifa actual de \$0.002 por cada galón de agua. En otras palabras 1 centavo por cada 5 galones y según lo establece la reglamentación vigente.

Estas serían nuestras recomendaciones. De tener alguna duda o pregunta estamos en la mejor disposición de poder contestarlas.